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**CERTIFICATE OF MAILING**

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ADDRESSED TO: ASSISTANT COMMISSIONER OF PATENTS  
WASHINGTON, D.C. 20231, ON December 19, 2002

**AGENT/ATTORNEY FOR APPLICANT**

DATE

Attorney Docket No. B2368C4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hindley, et al  
Serial No.: 08/458,033  
Filed: June 1, 1995  
For: Novel Compounds

December 19, 2002  
Group Art Unit: 1626  
Examiner: Robert Gerstl

Commissioner for Patents  
Washington, DC 20231

**SUBMISSION AFTER FINAL REJECTION UNDER 37 C.F.R.**

**§1.129(a)**

In response to the final Office Action mailed on May 3, 2002  
Applicants respectfully request entry and consideration of the papers  
submitted herewith, under 37 CFR §1.129(a).

A Notice of Appeal and a Petition to extend the time for response for a period of three (3) months was filed on October 29, 2002.

This application is pending for at least two (2) years as of June 1, 1995, taking into account any reference made in this application to an earlier filed application under 35 U.S.C. §120, 35 U.S.C. §121, and 35 USC §365(c).

This submission is the first submission made after final rejection for this application.

This submission is filed prior to the filing of an appeal brief and prior to abandonment of the application.

The submissions being made herewith are:

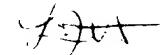
- an information disclosure statement,

- an amendment to the claims,
- a request to correct inventorship under 37 CFR §1.48(b), and
- a terminal disclaimer under 37 CFR §1.321.

Please charge Deposit Account No. 19-2570 in the amount of \$740.00 to cover the fee required by 37 C.F.R. §1.17(r). Please charge any additional requisite fees and credit any overpayment to the same Deposit Account. A duplicate copy of this sheet is enclosed.

Having met the requirements of 37 CFR §1.129(a), Applicants respectfully request withdrawal of the finality of the final rejection made in the May 3, 2002 Office Action, and consideration of the papers submitted herewith on the merits.

Respectfully submitted,



Loretta J. Henderson  
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Docket No. B2368C4 Date Mailed Dec. 19, 2002 Atty/Sec. LJH/DCI  
Mailing: Certificate

U.S. Serial No. 08/458,033 Filing Date: June 1, 1995

Receipt is acknowledged for the following:

Submission After Final Rejection Under 37 C.F.R. 1.129(a)

2 pages, +1 copy

Response to Final Office Action Submitted Pursuant to

37 C.F.R. 1.129(a), 7 pages + 2 copies

Amendment, Request and Fee Deleting Incorrectly Named

Person(s) Who Are Not Inventor(s) of Invention Now Being

Claimed - Non Provisional Application Pursuant to 37 CFR 1.48b

2 pages + 1 copy

Terminal Disclaimer Under 37 CFR 1.321, 3 pages, + 2 copies

Information Disclosure Statement, 2 pages

PRO-1449, 3 pages

Claims Pending as of Preliminary Amendment dated Feb. 7, 2002

3 pages

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WASHINGTON, D.C. 20231, ON DECEMBER 17, 2002

3-24  
AGENT/ATTORNEY FOR APPLICANT

DEC. 19, 2002

DATE

Attorney Docket No. B2368C4

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Hindley, et al.

Application No.: 08/458, 033

Filed: June 1, 1995

Group No.: 1626

For: Novel Compounds

Examiner: Robert Gerstl

Commissioner for Patents  
Washington, DC 20231

**RESPONSE TO FINAL OFFICE ACTION**  
**SUBMITTED PURSUANT TO 37 CFR 1.129(a)**

This is responsive to the final Office Action mailed on May 3, 2002, setting a three (3) month period for response (hereinafter also referred to as the "Office Action"). A Notice of Appeal and a Petition to extend the time for response for a period of three (3) months was filed on October 29, 2002. Applicants now respectfully request entry and consideration of the following amendment being submitted in accordance with 37 CFR 1.129(a).

**IN THE CLAIMS:**

- Please cancel claims 1-12 without prejudice to or disclaimer of their subject matter.
- Please add the following new claims:

17. (new) A method for the treatment of type II diabetes in a human or non-human mammal which comprises administering an effective, non-toxic amount of a compound which is selected from 5-(4-[2-(N-methyl-N-(2-